



DEPARTMENT OF THE NAVY  
NAVSUP FLEET LOGISTICS CENTER NORFOLK  
1968 GILBERT STREET SUITE 600  
NORFOLK VA 23511-3392

Control Number 15855  
Code 215  
N00189-16-T-Q006

## JUSTIFICATION AND APPROVAL FOR USE OF SOLE SOURCE - BRAND NAME

### 1. **Identification of the Agency and Contracting Activity:**

- a. Agency Name: Navy Cyber Defense Operations Command (NCDOC)  
112 Lake View Parkway  
Suffolk, VA 23435-2488
- b. Contracting Activity: Department of the Navy  
NAVSUP Fleet Logistics Center (FLC) Norfolk  
Contracting Department, Code 215.3  
Mechanicsburg, PA 17055-0788

### 2. **Nature/Description of Action:**

This limited source justification is for the negotiation and issuance of a delivery order to renew BMC Premier Software Maintenance Support for NCDOC. The resultant order will be a Firm Fixed Price contract in accordance with the procedures outlined in both FAR 12.6, Acquisition of Commercial Items and 13.5, Test Program for Certain Commercial Items.

### 3. **Description of the Supplies:**

The proposed acquisition is to renew BMC Premier Software Maintenance Support and is essential to NCDOC requirements.

### 4. **Statutory Authority Permitting Sole Source – Brand Name:**

The statutory authority permitting other than full and open competition is title 41 U.S.C. 1901, Simplified Acquisition Procedures, as implemented by FAR 13.501(a).

### 5. **Rationale Justifying Use of Cited Statutory Authority:**

BMC Software, Inc. is the Original Equipment Manufacturer (OEM) of the Remedy Software Suite and is already in use. This acquisition is for continued software license revision and support (patches, Security Technical Implementation Guides (STIGS), new software versions, etc), deployed via email, of the currently installed and operational BMC Action Request (AR) System software and its various components. BMC AR System was the software provided and installed by SPAWAR for its ability to complete NCDOC's Incident Management and Threat Analysis and Network Forensics Operations in accordance with the command mission and the Chairman of the Joints Chief of Staff Manual (CJCSM 6510). This software contains the majority of the tools that NCDOC uses to report and process its incidents and the investigations

of those incidents. Without completion of this acquisition, NCDOC would be unable to perform its mission as the Navy's Computer Network Defense Service Provider (CNDSP) as it relates to Incident Management. This system is the entry point for all incidents occurring on Navy networks. NCDOC already has a substantial BMC Software footprint in use. If NCDOC were forced to purchase another software solution, this investment cost would approximately be \$8M worth of software before we could procure like products.

Additional procurement of software and licensing for an alternative solution would be cost prohibitive and unacceptable under current budget constraints. Therefore, award to any other software manufacturer would result in substantial duplication of cost to the Government and is not expected to be recovered through competition and would result in unacceptable delays in fulfilling the agency's requirements.

**6. Description of Efforts Made to Solicit Offers From as Many Offerors as Practicable:**

A combined synopsis/solicitation in accordance with FAR 12.6 and 13.5 will be published to NECO/FedBizOps in accordance with FAR Subpart 5.2. A copy of this approved Justification and Approval will also be publicized to allow other future potential sources to be identified.

The requiring activity and the contracting office have confirmed through historical purchasing data and familiarity of equipment, which this requirement can only be purchased through BMC and/or their authorized resellers. These authorized resellers provide 1) verification and authentication of certified products; 2) support which is provided directly through BMC; and, 3) non-refurbished and/or grey market products, thus reducing the risks on warranty and security issues as no 3<sup>rd</sup> party maintenance is allowed. Additionally, these resellers provide a direct and established relationship from the OEM to the reseller. There are no other facts supporting the use of other than full and open competition.

**7. Determination of Fair and Reasonable Cost:**

The Contracting Officer has determined the anticipated cost to the Government of the supplies/maintenance support covered by this justification and approval will be fair and reasonable.

**8. Actions to Remove Barriers to Future Competition:**

Future requirements will be evaluated to determine whether an alternate brand/source or maintenance provider can be used. However, it is unlikely that this requirement can be broken out to any other maintenance provider except the OEM.

**9. Contracting Point of Contact:**

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